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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
16-24 February 2016

Draft report

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II. Maintenance of international peace and security

E. Consideration of the working paper submitted by Cuba on the strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations

1. The working paper entitled "Strengthening of the role of the Organization and enhancing its effectiveness: adoption of recommendations", a revised version of which was submitted by Cuba at the 2012 session of the Special Committee (see A/67/33, annex), was referred to during the general exchange of views held at the 281st and 282nd meetings of the Special Committee, on 16 and 17 February 2016, and was considered at the 2nd meeting of the Working Group of the Whole.

2. During the general exchange of views, the sponsor delegation stressed that the working paper remained valid and invited delegations to share their views on it. Several delegations expressed their support for the proposal. Other delegations were of the opinion that the Special Committee should not consider topics that would be duplicative of or inconsistent with the roles of the principal organs of the United Nations as set forth in the Charter.

3. During the 2nd meeting of the Working Group of the Whole, the sponsor delegation underlined that the purpose of the proposal was to recommend the carrying out of a set of legal analyses and studies in relation to the functions and powers of the General Assembly and the Security Council. It highlighted two recommendations for consideration, namely that legal studies be undertaken on Articles 10 to 14 of the Charter, relating to the function and powers of the Assembly, and on Article 12, paragraph 1, of the Charter, concerning the relationship between the General Assembly and the Security Council when the latter is exercising its functions. The sponsor delegation recalled that the paper had been revised in 2012.

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4. Several delegations noted that the Charter was a living document and that legal analysis of its provisions, in particular the provisions of Chapter IV, was relevant and necessary for reforming the Charter. Support was also expressed for retaining the proposal on the agenda of the Special Committee.

5. Several other delegations maintained that the Charter was sufficiently clear and that further legal study would not add anything meaningful. It was also observed that the issue of the relationship between the General Assembly and the Security Council was dealt with by other bodies within the Organization.

6. The sponsor delegation reaffirmed that the intention of the proposal was to achieve the delicate balance envisaged in the Charter between the mandates of all the principal organs and, in particular, to elevate the General Assembly as the main organ of the United Nations. It further emphasized its willingness to modify the language and the scope of the working paper, and requested that it be retained on the agenda of the Special Committee.